



George

PATENT
Attorney Docket No. 05725.0637
Application No.: 09/820,954

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
David W. CANNELL et al.)	Group Art Unit: 1617
)	
Application No.: 09/820,954)	Examiner: S. J. Sharareh
)	
Filed: March 30, 2001)	
)	
For: COMPOSITIONS COMPRISING)	
AT LEAST ONE AMINATED C ₅ -)	
C ₇ SACCHARIDE UNIT, AND)	
THEIR USE FOR THE)	
PROTECTION AND/OR REPAIR)	
OF KERATINOUS FIBERS)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO ELECTION REQUIREMENT

In the Office Action dated March 23, 2004, the Examiner requires restriction.

REMARKS

I. Status of Claims

Claims 1-38 are pending in this application. Claims 1-36, 40, 42, 44-46, 50-57, 59, 64, and 65 were previously withdrawn pursuant to a Restriction Requirement issued on February 22, 2002.

II. Election Requirement

The Examiner states that claims 37, 39, 41, 43, 47-49, 60-63, and 66-79 are generic to a plurality of disclosed patentably distinct species:

- claims 37, 39, 41, 43, 47-49, 60-63, and 66-77, drawn to a composition comprising at least one C₅ to C₇ saccharide unit substituted with at least one amino group, with the proviso that said compound is not glucosamine; and
- claims 78-79, drawn to a composition comprising at least one glucosamine and at least one additional sugar different from glucosamine and comprising at least one C₅ to C₇ saccharide unit, where the at least one additional sugar chosen from monosaccharides and oligosaccharides or where the at least one additional sugar is substituted with at least one unsubstituted amino group and derivatives thereof.

The election requirement, as set forth above and on page 2 of the Office Action, is respectfully traversed. However, to be fully responsive to the election requirement, Applicants elect, with traverse, the subject matter of claims 78-79, and the compound glucosamine.

Applicants respectfully traverse this election requirement and refer to M.P.E.P. § 803, which sets forth the criteria and guidelines for Examiners to follow in making proper requirements for restriction. The M.P.E.P. instructs Examiners as follows:

If the search and examination of an entire application can be made without **serious burden**, the Office **must** examine it on the merits, even though it includes claims to distinct or independent inventions.

M.P.E.P. § 803 (emphasis added).

Here, the Examiner has not shown that examining the above groups together would constitute a serious burden. Applicants respectfully submit that the claims of the first group contains subject matter that substantially overlaps the subject matter of the

claims of the second group. It is likely that all of the claims would fall under the same class and subclass. Accordingly, Applicants respectfully submit that a search of all of the claims would not constitute a serious burden.

III. Conclusion

Applicants respectfully request the reconsideration and the timely allowance of the pending claims. Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Date: April 23, 2004